

DEPARTMENTAL INPUT
CONTRACT/PROJECT MEASURE ANALYSIS AND RECOMMENDATION

Rev 1

<input checked="checked" type="checkbox"/> <u>New contract</u>	<input type="checkbox"/> <u>OTR</u>	<input type="checkbox"/> <u>CO</u>	<input type="checkbox"/> <u>SS</u>	<input type="checkbox"/> <u>BW</u>	<input type="checkbox"/> <u>Emergency</u>	Previous Contract/Project No.
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<input type="checkbox"/> <u>Re-Bid</u>	<input type="checkbox"/> <u>Other</u>
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LIVING WAGE APPLIES: __ YES XNO

Requisition/Project No: RFP 833

TERM OF CONTRACT: 10 years with __ one-year options-to-renew

Requisition/Project Title:- Communications Facility Towers on County Property

Description: Firm to construct and install cell towers throughout the County, and sell antenna rights to wireless carriers to generate revenue for the County.

User Department(s): ITD

Issuing Department: ISD-PM Contact Person: Simmons Phone: 305-375-4259

Estimated Cost: \$0 Funding Source: N/A REVENUE GENERATING: \$50 Million

ANALYSIS

Commodity/Service No: <u>906-72</u>		SIC:	
Trade/Commodity/Service Opportunities			
Contract/Project History of Previous Purchases For Previous Three (3) Years Check Here <input type="checkbox"/> if this is a New Contract/Purchase with no Previous History			
<u>EXISTING</u>		<u>2ND YEAR</u>	<u>3RD YEAR</u>
Contractor:			
Small Business Enterprise:			
Contract Value:			
Comments:			
Continued on another page (s): Yes No			

RECOMMENDATIONS

SBE	Set-Aside	Sub-Contractor Goal	Bid Preference	Selection Factor
		%		
		%		
		%		
		%		

Basis of Recommendation:

Signed: Red Simmons, Jr.

Date to SBD: 6-25-12

Date Returned to DPM: _____

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This document is a draft of a planned solicitation and is subject to change without notice.

**REQUEST FOR PROPOSALS (RFP) No. 000
FOR
COMMUNICATIONS FACILITY TOWERS ON COUNTY PROPERTIES**

PRE-PROPOSAL CONFERENCE TO BE HELD:

_____, 2012 at ____:00 ____M (EST)
111 NW 1st Street, 13th Floor, Conf. Rm. ___, Miami, Florida

ISSUED BY MIAMI-DADE COUNTY:

Internal Services Department, Procurement Management Division
for
Information Technology Department

COUNTY CONTACT FOR THIS SOLICITATION:

Fred Simmons, Jr., Senior Procurement Contracting Officer
Address: 111 NW 1st Street, Suite 1300, Miami, Florida 33128
Telephone: (305) 375-4259
E-mail: fred@miamidade.gov

PROPOSALS ARE DUE AT THE CLERK OF THE BOARD NO LATER THAN:

_____, 2012 at 2:00 PM (local time)
at
CLERK OF THE BOARD
Stephen P. Clark Center
111 NW 1st Street, 17th Floor, Suite 202
Miami, Florida 33128-1983

The Clerk of the Board business hours are 8:00 a.m. to 4:30 p.m., Monday through Friday. Additionally, the Clerk of the Board is closed on holidays observed by the County.

All proposals received and time stamped by the Clerk of the Board prior to the proposal submittal deadline shall be accepted as timely submitted. The circumstances surrounding all proposals received and time stamped by the Clerk of the Board after the proposal submittal deadline will be evaluated by the procuring department in consultation with the County Attorney's Office to determine whether the proposal will be accepted as timely. Proposals will be opened promptly at the time and date specified. The responsibility for submitting a proposal on or before the stated time and date is solely and strictly the responsibility of the Proposer. The County will in no way be responsible for delays caused by mail delivery or caused by any other occurrence. All expenses involved with the preparation and submission of proposals to the County, or any work performed in connection therewith, shall be borne by the Proposer(s).

The submittal of a proposal by a Proposer will be considered by the County as constituting an offer by the Proposer to perform the required services at the stated prices. A Proposer may submit a modified proposal to replace all or any portion of a previously submitted proposal up until the proposal due date. The County will only consider the latest version of the proposal.

Requests for additional information or inquiries must be made in writing and received by the County's contact person for this Solicitation. The County will issue responses to inquiries and any changes to this Solicitation it deems necessary in written addenda issued prior to the proposal due date. Proposers who obtain copies of this Solicitation from sources other than the County's Internal Services Department website at www.miamidade.gov/dpm or the Vendor Assistance Unit risk the possibility of not receiving addenda and are solely responsible for those risks.

1.0 PROJECT OVERVIEW AND GENERAL TERMS AND CONDITIONS**1.1 INTRODUCTION**

Miami-Dade County hereinafter referred to as the "County", as represented by the Miami-Dade County Information Technology Department, is soliciting proposals for installation of communications facility towers at various Miami-Dade County properties. Miami-Dade County is the largest county in the State of Florida serving over 2.4 million residents and visitors. It includes unincorporated areas of the County and 36 municipalities, among them the cities of Miami, Miami Beach, Coral Gables, and Hialeah. As the demand for mobile communications continues to increase, wireless carriers are deploying cellular communications systems to meet the demand for bandwidth required by their subscribers. This demand has increased the need for expanding the wireless communications infrastructure across all major markets by increasing network capacity by installing base stations and smart antenna grids on communication towers, poles, rooftops, public right away and other vertical structures that will support wireless antennae. The County seeks to obtain revenue through a contractual arrangement with one Contractor, by sub-leasing to multiple wireless carriers through a Neutral Host, rooftops, open land, existing towers, utility poles, street lights, and traffic signals (Are these covered in our listing of sites), on the public right away owned by Miami-Dade County, for placement of wireless communications equipment with emphasis on installations that (a) will not aesthetically adversely impact the location, (b) will not negatively impact natural resources, and (c) provide additional services to County residents.

The purpose of this solicitation is to secure a long-term and incremental revenue sharing agreement between the County and a firm having substantial experience and track record of operating, building, owning, and leasing towers, rooftops, and Distributed Antenna Systems (DAS) in prime markets such as Miami-Dade County for provisioning of telecommunications services including transmission and reception on various frequencies and the construction, maintenance, and operation of related communications facilities. The selected firm shall have primary responsibility for the following business activities:

1. Develop sub-lease agreements with all major carriers for colocation of communications systems on county owned property.
2. Assessing and surveying the county's property portfolio, marketing county property to carriers, coordinating tenant access, conducting site walks, negotiating agreements with carriers, and managing all site services.
3. Responsible for the provisioning of all construction matters, power, Telco, and HVAC systems required to support communications systems including construction management, engineering, zoning and permitting with emphasis on safety, reliability and regulatory compliance.
4. Responsible for all costs associated with developing sites for carrier leasing.

In consideration of vendors using County property to located a facility tower and receiving revenue from associated tower space, the County will receive: 1) ground license fees; 2) a share of the revenue generated through the collocation agreements 3) space for ITD to install 4G LTE communication equipment to support police, fire and other first responders.

The County anticipates awarding a contract for a 10 year period, with two five-year options to renew, at the County's sole discretion.

The anticipated schedule for this Solicitation is as follows:

Solicitation issued:

Pre-Proposal Conference: See front cover for date, time and place. Attendance is recommended but not mandatory. If you need a sign language interpreter or materials in accessible format for this event, please call the ADA Coordinator at (305) 375-1530 at least five days in advance.

Deadline for receipt of questions:

Proposal due date: See front cover for date, time and place.

Evaluation process:

Projected award date:

1.2 DEFINITIONS

The following words and expressions used in this Solicitation shall be construed as follows, except when it is clear from the context that another meaning is intended:

1. The word "Contractor" to mean the Proposer that receives any award of a contract from the County as a result of this Solicitation, also to be known as "the prime Contractor".
2. The word "County" to mean Miami-Dade County, a political subdivision of the State of Florida.
3. The word "Proposer" to mean the person, firm, entity or organization, as stated on Form A-1, submitting a response to this Solicitation.
4. The words "Scope of Services" to mean Section 2.0 of this Solicitation, which details the work to be performed by the Contractor.
5. The word "Solicitation" to mean this Request for Proposals (RFP) or Request for Qualifications (RFQ) document, and all associated addenda and attachments.
6. The word "Subcontractor" to mean any person, firm, entity or organization, other than the employees of the Contractor, who contracts with the Contractor to furnish labor, or labor and materials, in connection with the Services to the County, whether directly or indirectly, on behalf of the Contractor.
7. The words "Work", "Services", "Program", or "Project" to mean all matters and things that will be required to be done by the Contractor in accordance with the Scope of Services and the terms and conditions of this Solicitation.
8. Lessor
9. Lessee
10. Sub-lessee
11. Distributed Antenna Systems (DAS)
- 12.

1.3 GENERAL PROPOSAL INFORMATION

The County may, at its sole and absolute discretion, reject any and all or parts of any or all responses; accept parts of any and all responses; further negotiate project scope and fees; postpone or cancel at any time this Solicitation process; or waive any irregularities in this Solicitation or in the responses received as a result of this process. A proposal shall be the Proposer's firm commitment to provide the goods and services solicited in the manner requested in the Solicitation and described in the proposal. In the event that a Proposer wishes to take an exception to any of the terms of this Solicitation, the Proposer shall clearly indicate the exception in its proposal. No exception shall be taken where the Solicitation specifically states that exceptions may not be taken. Further, no exception shall be allowed that, in the County's sole discretion, constitutes a material deviation from the requirements of the Solicitation. Proposals taking such exceptions may, in the County's sole discretion, be deemed nonresponsive. The County reserves the right to request and evaluate additional information from any respondent regarding respondent's responsibility after the submission deadline as the County deems necessary.

Proposals shall be irrevocable until contract award unless the proposal is withdrawn. A proposal may be withdrawn in writing only, addressed to the County contact person for this Solicitation, prior to the proposal due date or upon the expiration of 180 calendar days after the opening of proposals.

Proposers are hereby notified that all information submitted as part of, or in support of proposals will be available for public inspection after opening of proposals, in compliance with Chapter 119, Florida Statutes, popularly known as the "Public Record Law". The Proposer shall not submit any information in response to this Solicitation which the Proposer considers to be a trade secret, proprietary or confidential. The submission

of any information to the County in connection with this Solicitation shall be deemed conclusively to be a waiver of any trade secret or other protection, which would otherwise be available to Proposer. In the event that the Proposer submits information to the County in violation of this restriction, either inadvertently or intentionally, and clearly identifies that information in the proposal as protected or confidential, the County may, in its sole discretion, either (a) communicate with the Proposer in writing in an effort to obtain the Proposer's written withdrawal of the confidentiality restriction or (b) endeavor to redact and return that information to the Proposer as quickly as possible, and if appropriate, evaluate the balance of the proposal. Under no circumstances shall the County request the withdrawal of the confidentiality restriction if such communication would in the County's sole discretion give to such Proposer a competitive advantage over other proposers. The redaction or return of information pursuant to this clause may render a proposal non-responsive.

Any Proposer who, at the time of proposal submission, is involved in an ongoing bankruptcy as a debtor, or in a reorganization, liquidation, or dissolution proceeding, or if a trustee or receiver has been appointed over all or a substantial portion of the property of the Proposer under federal bankruptcy law or any state insolvency law, may be found non-responsible. To request a copy of any ordinance, resolution and/or administrative order cited in this Solicitation, the Proposer must contact the Clerk of the Board at (305) 375-5126.

1.4 CONE OF SILENCE

Pursuant to Section 2-11.1(t) of the Miami-Dade County Code, as amended, a "Cone of Silence" is imposed upon each RFP or RFQ after advertisement and terminates at the time a written recommendation is issued. The Cone of Silence prohibits any communication regarding RFPs or RFQs between, among others:

- potential Proposers, service providers, lobbyists or consultants **and** the County's professional staff including, but not limited to, the County Manager and the County Manager's staff, the Mayor, County Commissioners or their respective staffs;
- the Mayor, County Commissioners or their respective staffs **and** the County's professional staff including, but not limited to, the County Manager and the County Manager's staff; or
- potential Proposers, service providers, lobbyists or consultants, any member of the County's professional staff, the Mayor, County Commissioners or their respective staffs **and** any member of the respective selection committee.

The provisions do not apply to, among other communications:

- oral communications with the staff of the Vendor Assistance Unit, the responsible Procurement Agent or Contracting Officer, provided the communication is limited strictly to matters of process or procedure already contained in the solicitation document;
- oral communications at pre-proposal conferences, oral presentations before selection committees, contract negotiations during any duly noticed public meeting, public presentations made to the Board of County Commissioners during any duly noticed public meeting; or
- communications in writing at any time with any county employees, official or member of the Board of County Commissioners unless specifically prohibited by the applicable RFP or RFQ documents.

When the Cone of Silence is in effect, all potential vendors, service providers, bidders, lobbyists and consultants shall file a copy of any written correspondence concerning the particular RFP or RFQ with the Clerk of the Board, which shall be made available to any person upon request. The County shall respond in writing (if County deems a response necessary) and file a copy with the Clerk of the Board, which shall be made available to any person upon request. Written communications may be in the form of e-mail, with a copy to the Clerk of the Board at clerkbcc@miamidadegov.

1.5 PUBLIC ENTITY CRIMES

Pursuant to Paragraph 2(a) of Section 287.133, Florida Statutes, a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a proposal for a contract to provide any goods or services to a public entity; may not submit a proposal on a contract with a public entity for the construction or repair of a public building or public work; may not submit proposals on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier,

subcontractor, or consultant under a contract with any public entity; and, may not transact business with any public entity in excess of the threshold amount provided in Section 287.017 for Category Two (\$10,000) for a period of thirty-six (36) months from the date of being placed on the convicted vendor list.

1.6 LOBBYIST CONTINGENCY FEES

- A) In accordance with Section 2-11.1(s) of the Code of Miami-Dade County, after May, 16, 2003, no person may, in whole or in part, pay, give or agree to pay or give a contingency fee to another person. No person may, in whole or in part, receive or agree to receive a contingency fee.
- B) A contingency fee is a fee, bonus, commission or non-monetary benefit as compensation which is dependent on or in any way contingent upon the passage, defeat, or modification of: 1) any ordinance, resolution, action or decision of the County Commission; 2) any action, decision or recommendation of the County Manager or any County board or committee; or 3) any action, decision or recommendation of any County personnel during the time period of the entire decision-making process regarding such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission or a County board or committee.

1.7 COLLUSION

Where two (2) or more related parties, as defined herein, each submit a proposal for any contract, such proposals shall be presumed to be collusive. The foregoing presumption may be rebutted by the presentation of evidence as to the extent of ownership, control and management of such related parties in preparation and submittal of such proposals. Related parties shall mean Proposer or the principals thereof which have a direct or indirect ownership interest in another Proposer for the same contract or in which a parent company or the principals thereof of one Proposer have a direct or indirect ownership interest in another Proposer for the same contract. Furthermore, any prior understanding, agreement, or connection between two or more corporations, firms, or persons submitting a proposal for the same services shall also be presumed to be collusive. Proposals found to be collusive shall be rejected. Proposers who have been found to have engaged in collusion may be considered non-responsible, and may be suspended or debarred, and any contract resulting from collusive bidding may be terminated for default.

1.8 CONTRACT MEASURES (TO BE DETERMINED BY SMALL BUSINESS DEPARTMENT)

This Solicitation includes contract measures for Miami-Dade County Certified Small Business Enterprises (SBE's) as follows.

Set-aside:

This Solicitation is set-aside for SBE's.

Subcontractor Goal:

_____% SBE subcontractor goal is applicable. The purpose of a subcontractor goal is to have portions of the work under the prime contract performed by available subcontractors that are certified SBEs for contract values totaling not less than the percentage of the prime contract value set out in this Solicitation. Subcontractor goals may be applied to a contract when estimates made prior to solicitation advertisement identify the quality; quantity and type of opportunities in the contract and SBEs are available to afford effective competition in providing a percentage of these identified services. Proposers shall submit a completed Schedule of Intent Affidavit (Form SBD 504) at the time of proposal identifying all SBEs to be utilized to meet the subcontractor goal. The Schedule of Intent Affidavit shall specify the scope of work and commodity code the SBE will perform. The Schedule of Intent Affidavit constitutes a written representation by the Proposer that to the best of the Proposer's knowledge the SBEs listed are available and have agreed to perform as specified, or that the Proposer will demonstrate unavailability.

Refer to **Appendix A**, Miami-Dade County Small Business Enterprise Participation Provisions for definitions, explanations and instructions. The participating SBE firms (or joint ventures) must have a valid Miami-Dade County SBE certification by the proposal submittal deadline of this Solicitation, as well as,

meet all other requirements as stipulated in **Appendix A**. Additional information regarding Miami-Dade County's Small Business Enterprise Program, including new amendments to the program, is available on the Small Business Development's website <http://new.miamidade.gov/business/business-development.asp>.

(If Selection Factor, use Section 4.4 and delete above section.)

2.0 SCOPE OF SERVICES

2.1 INTRODUCTION

Under this Request For Proposals ("RFP"), Miami-Dade County (hereinafter referred to as the "Lessor") and the Information Technology Department (hereinafter referred to as "ITD"), will consider entering into a Revenue Sharing agreement with Wireless Telecommunication Providers and/or Wireless Site Developers for primary use and collocation of telecommunications equipment and antennae in the following County owned facilities:

1. Open land parcels for construction of self-supporting towers
2. County owned administrative building roof tops – What about leased buildings?
3. Fire & Police stations
4. County owned Public Safety communications tower facilities
5. Solid Waste Landfills and Water Treatment and Sewage Plants
6. Traffic Signals found on main arteries
7. County Parks and Marinas
8. Train Stations
9. Airport Locations
10. Seaport Locations
11. Public Libraries
12. Other Public Venues
- 13.

2.2 GENERAL REQUIREMENTS

The Selected Proposer will be required to enter into a License Agreement and share revenue with the County from collocation sub-licensees, and will be required to offer collocation sub-license agreements. Collocation of commercial telecommunications systems shall not disturb the communications configuration equipment and frequency that exist on the Lessor's property in support of public safety, security or communication needs of county services. Proposers may pursue primary use or collocation at any one or more of the site inventory described in Attachments C & C1.

The County is providing a list of County locations on Attachments C&C1 to assist proposers in determining which locations are suitable for a Communications site. Based on a list of available County-owned sites, Proposer will indicate which sites are of interest that they would like to inspect prior to submitting a proposal.

- Proposer shall complete the Phase 1 form included herein, to indicate the sites to be reviewed prior to responding with a proposal to the RFP. Submission of the Phase 1 form is due no later than 30 days after the release date of the RFP. The County will schedule sites visits based on sites requested by potential proposers.
- Proposer shall submit the Phase 2 form with its proposal, indicating the sites proposed for installation and management of a communications facility tower. Exhibit F

The Successful Proposer of each site will be required to pay: 1) a one-time site fee of \$5,000 for each approved and contracted site; 2) annual leased fee to the County for long-term use of the collocation tower site(s), based on a License Agreement and pursuant to terms and conditions to be approved by the County; and 3) a percentage fee of the long-term use of any additional providers, based on Sub-License Agreement(s), establish a minimum of share revenue and pursuant to terms and conditions to be approved by the County.

2.3 OBJECTIVE

The objective of this solicitation is for the County to obtain revenue through a contractual arrangement with a single firm, who will sub-lease to multiple wireless carriers through a Neutral Host, rooftops, open land, existing towers, utility poles, street lights, and traffic signals, on the public right away owned by Miami-Dade County, for placement of wireless communications equipment.

2.4 PREFERRED QUALIFICATION REQUIREMENTS

The preferred qualification requirements for this Solicitation are:

The Proposer shall:

- 1) Be a neutral host provider of collocation wireless infrastructure. The intent of this minimum requirement is to develop Carrier agnostic collocation wireless infrastructure on Miami-Dade County owned or controlled property for a wireless collocation by expanding mobile broadband, wireless data coverage and support first responders.
- 2) Have a minimum of 10 years' demonstrated experience in the marketing, construction, operation, maintenance, and support of at least 50 shareable wireless infrastructure sites for a single government entity.
- 3) Have a proven track record of providing all forms of shareable wireless infrastructure (towers, rooftops, small cell solutions [DAS, Wi-Fi, and Macrocells, Microcell], etc.).
- 4) Have an assigned team experienced in the development within Miami-Dade County of new shareable wireless infrastructure.

- 5) Have a local management team within 30 miles of Miami-Dade County to support local, state, and national regulatory compliance requirements related to environmental, historical preservation, RF EME, FCC, and FAA.
- 6) Demonstrate relationships with all Carriers at national, regional, and local levels with master license agreements in place.
- 7) Must be compliant with all EIA/TIA 222 "G" inspection standards.
- 8) Have a dedicated in-house resource identified with the requisite experience and background to help in the design and implementation of their public safety dispatch system. This is intended to ensure that the County maintains the integrity of its system during the process of adding new antenna sites, changing antenna configurations.

The County shall be the sole and final arbiter of whether the Proposer has satisfied the minimum qualifications requirement set forth in this section and if the Proposer can deliver the services contemplated within this RFP on time and to the satisfaction of the County's requirements under this solicitation.

2.5 PROPOSER CLASSIFICATIONS

For each location site Proposer wishes to pursue, the Proposer may act in the capacity of either:

- 1) **Primary Provider/Wireless Service Provider (WSP)**: A provider who will construct and operate the facility, subletting to additional wireless providers sharing the facilities under a separate agreement between the primary provider and secondary commercial telecommunications providers; or
- 2) **A Developer**, a non-wireless provider who will construct and operate the facility by subletting to one or more WSPs under a collocation agreement with all wireless providers. The terms Wireless Service Provider and Developer, may be used individually or collectively as the "Proposer", and shall mean the legal entity or individual that, upon contract award, will be the party entering into and executing a License Agreement with the County.

Under both capacities, Miami-Dade County shall be a part to all Collocation Agreements, Site Leases, and Ground Lease Agreements. All Proposers must agree to develop collocation facilities, and all future wireless telecommunications providers must agree to comply with the terms and conditions of the proposed License Agreement.

Further, the County reserves the right to review all proposed lease terms and assess whether the proposal is commensurate with other leases in the area or across the country. This assessment may be based on the availability of alternative sites to determine the uniqueness or prime location of the property so that the proposer and the County can arrive at the fair market value of the tower space. Assessment may also consider price per square foot, the demand for the cell site, technology and the coverage it provides to the surrounding area.

2.6 TASKS

Proposer will establish equipment at County-owned sites, the sites will be classified as: Roof tops, open land parcels and Parks & Marinas, Fire stations existing Monopoles, Police stations, and Public Safety (ITD) Communications towers, Train Stations, Airport, Seaport, public libraries and other public venues which will be mounted on a new co-location Monopole, at the Proposer expense, with access to the new co-location Monopole to be subsequently shared by the County and Proposer, with the following guide lines:

- 1) The Successful Proposer must obtain approval from the Miami-Dade County Department of Planning and Zoning, FAA, FDEP, PERA ((Permitting, Environment and Regulatory Affairs) and any and all other regulatory agencies having jurisdiction over the site location and activities before initiating any construction and/or operation of the facility.
- 2) It will be the responsibility of the Successful Proposer to coordinate and pay for all public hearings and community meetings; prepare engineering studies, drawings, and specifications; and obtain all necessary permits and approvals prior to construction initiation of the Antenna Support Structure.

2.7 INSTALLATION REQUIREMENTS

In all instances, improvements constructed and installed by the successful Proposer, inclusive of provision of space for County provided equipment, shall be at the successful Proposer sole cost and expense. This shall include, without limitation, the following general scope of work at each location where a shareable wireless infrastructure site (tower, rooftop, small cell installation) is to be constructed (hereinafter referred to collectively as the "Work"). The successful Proposer will install a suitable support structure as approved by the County and as approved in zoning. Each shareable wireless infrastructure site shall be installed to accommodate all space requirements for Carriers identified in the RF master plan for that site and will be designed with the County's aesthetic concerns in mind so that the installation minimizes adverse impact to the community. The installation will be in accordance with all applicable federal, state, and local rules, codes, statutes and government regulations for shareable wireless infrastructure, including, but not limited to, landscaping or other concealment requirements developed by the County. Proposer will be responsible for the installation of electric service, telephone service, communications cables, and any other such service or utility necessary for the County and successful Proposer to operate the initial installation of their respective telecommunications facilities.

2.7.1 County Own building's Roof tops: If one of the sites is a County own roof top the County Collocation option will be reviewed on a site per site basis for site optimization since there will not be a structure at the location, but will be other technical capabilities that the County will review with the provider.

2.7.2 Open Land Parcels: Included in this category is Solid Waste Landfills, unused county property and any parcel that is suitable for construction of a tower or a monopole.

2.7.3 Fire Stations/ Existing Monopole: The County has several 120 foot monopole(s) installed at different Fire Stations . If one of these Monopole locations is chosen as one of the desired sites, the provider has the responsibility to review the technical requirements of the monopole such as loading capacity and submit a Structural study prepared by an experienced Structural Engineer licensed as a Professional Engineer (P.E.) with the State of Florida.

2.7.4 Public Safety (ITD) Towers: Attachment C-3 contains the location of County owned Public Safety towers. If one of the public safety towers is chosen as one of the desired sites, the provider has the responsibility to review the technical requirements of the tower such as loading capacity and submit a Structural study prepared by an experienced Structural Engineer licensed as a Professional Engineer (P.E.) with the State of Florida Public Safety. These towers will receive a higher level of scrutiny by the county before entering into a lease agreement.

2.7.5 Parks & Marinas: We are including in attachment (C) the open spaces that Parks designated to be as a candidates for a Monopole facility the attachment includes total acres for planning purpose, at this Monopole the County requested that a space for a WI-FI back haul from the AP's will be assigned in the 80' to the 120' level to install the public safety system for parks protection

2.8 GENERAL CONDITIONS FOR THE CONSTRUCTION OF SELF SUPPORTED TOWERS AND MONOPOLES

Whether serving the purposes of the Primary Provider or Developer, the County shall review the Proposer plans, specifications, technical data, experience and any other relevant documents, and determine, at its sole authority, if construction of the tower or monopole, as designed, will serve the intended purpose under this RFP.

2.8.1 The county reserves the right to collocate its public safety communications on the tower or monopole. Height and location on the structure desired by the County is subject to negotiations between the County and Primary Provider.

2.8.2 In all instances, the required improvements to be constructed by the successful Proposer shall be at the successful Proposer sole cost and expense and shall include, without limitation, the following scope of services:

- 1) Obtain approval from Miami-Dade Department of Planning and Zoning (including public hearings), FAA, FDEP, PERA and any and all regulatory agencies having jurisdiction over the site location to construct the tower or monopole and operate the telecommunications equipment mounted thereon.
- 2) Installation of one (1) tower or monopole, including foundation, with the work to comply with Technical Requirements, and in accordance with all applicable rules, codes, statutes and governmental regulations.

2.8.3 In all instances, the required improvements to be constructed by the Successful Proposer, shall be at the Successful Proposer's sole cost and expense, and shall include, without limitation, the following scope of work at each location where a tower or monopole is to be constructed:

- 1) Installation of one (1) Collocation Monopole and foundation (not to exceed 120' feet high) in Parks and Marinas, Fire Stations and (not to exceed 300' feet high) in open land parcels with the work to comply with the criteria established in Attachment A, and in accordance with all applicable rules, codes, statutes and governmental regulations. A minimum setback distance for the co-location Monopole may be established by the County for certain sites to be a distance of one hundred twenty-five percent (125%) of the height of the Collocation Monopole from the County-owned site's property line. Where a monopole may be located within a central activity point of a park, the County may require that additional design and/or landscape features be added to reduce any adverse impact. The County reserves the right to review and approve, on a case by case basis, the location recommended by each Proposer.
- 2) Installation of a seven (7) or eight (8) foot high concrete block or chain link fence, depending on the existing zoning of the property, running along the perimeter of the premises of the equipment shelter, with the required warning signs, a locked access gate, and otherwise in compliance with the County's fence specifications and criteria. The County reserves the right to review and relocate, on a case by case basis, the location of each equipment area as recommended by Proposer.
- 3) Landscaped perimeter of the equipment premises, consistent with applicable County code.
- 4) Installation and construction of any support building, utility service independently metered and generator service necessary to house and provide emergency power for the Monopole and relates services within an equipment area;

5) Installation of electric service, telephone service, communications cables and any other such service or utility necessary for the County and successful Proposer to operate their respective telecommunications facilities on the Collocation tower.

6) The County reserves the right to request a collocation on the system that is proposed in their antenna infrastructure, the County will install if it is need of a collocation their own communication shelter.

2.8.4 After installing each new collocation tower, the successful Proposer will assure that the equipment is fully functional and operable, in conformance with the criteria established in Attachment A. All such work shall be performed by the Proposer, and at the Proposer expense, as a complete turn-key installation.

2.9 County Owned Roof Tops, Fire Stations and other facilities

Whether serving the purposes of the Primary Provider or Developer, the County will review the Proposer's plans, specifications, technical data, experience and any other relevant documents, and determine, at its sole authority, if construction of the collocation roof top system, Fire station, or any other county owned facility, as designed, will serve the intended purpose under this RFP.

2.9.1 In all instances, the required improvements to be constructed by the Successful Proposer, equipment, shall be at the Successful Proposer sole cost and expense and shall include, without limitation, of work at each location.

2.9.2 The Successful Proposer must obtain approval from the Miami-Dade County Department of Planning and Zoning, FAA, FDEP, PERA ((Permitting, Environment and Regulatory Affairs) and any and all other regulatory agencies having jurisdiction over the site location and activities before initiating any construction and/or operation of the facility. It will be the responsibility of the successful Proposer to coordinate and pay for all public hearings and community meetings; prepare engineering studies, drawings, and specifications; and obtain all necessary permits and approvals prior to construction initiation of the Antenna Support Structure.

2.9.3 Installation and construction of any, utility service independently metered and generator service necessary to house and provide emergency power for the shelter and relate services within an equipment area.

2.9.4 The County reserves the right to request a collocation on the system that is proposed in their antenna infrastructure, the County will install if it is need of a collocation their own communication shelter.

2.10

2.11. County Owned Communications Towers (ITD)

The County will consider the proposer's request to use a County communications tower. Such request will be reviewed on a site by site basis since each communications tower has different loading, and the height that is open at this time may not be the adequate height for the carriers interested in the tower. The use of an Existing tower in a Collocation basis has to be technical demonstrate such that no interference or inter modulation will be introduced in the Public Safety system. This requirement must be demonstrated with data that supports the analysis of the loading of the tower.

The required improvements to be constructed by the successful Proposer shall be at the Successful Proposer's sole cost and expense, and shall include the cost of a P.E with structural background and work in this field. If the structure needs additional work to support more carriers, any additional work, and expenditure for any required analysis in the tower, is the sole responsibility of the Proposer. The County will take into consideration that the existing infrastructure height and antenna location is part of the collocation and will not require more space in the tower.

After installing each new collocation Monopole, the Successful Proposer will assure that the equipment is fully functional and operable, in conformance with the criteria established in section 2.12 all such work shall be performed by the Proposer, and at the Proposer's expense, as a complete turn-key installation.

2.12 Technical Requirements

A. Commercial Communications Equipment

- Minimum of 3 platforms and antenna arrays for a monopole structure
- The height of the free standing tower or guided structure should be as the building and Zoning (PERA) allows
- One array to be dedicated to backhaul for County essential services (not subject to rent)
- Associated base station equipment (ground) for all arrays and providers
- Each array will consist of 3-12 panel antennas
- Each array may include 3 or more backhaul dishes
- Ground mounted generator(s) for emergency backup power

B. Public Facility Enhanced Communications

The County will request that at each constructed tower to have a co-location space to meet the technical needs of a County coverage system to install equipment for the 700 LTE and 2.6 GHZ system that the County is currently installing for the Public Safety needs. This service will be used only by County personnel and or

public safety personnel to enhance the communication and security of the County. The County will not compete with the wireless carriers providing this service to the public.

3.0 RESPONSE REQUIREMENTS

3.1 SUBMITTAL REQUIREMENTS

In response to this Solicitation, Proposer should **return the entire completed Proposal Submission Package(s) as outlined below**. Proposers should carefully follow the format and instructions outlined therein. All documents and information must be fully completed and signed as required. **Proposer must indicate which sites are being proposed.**

The proposal shall be written in sufficient detail to permit the County to conduct a meaningful evaluation of the proposed services. However, overly elaborate responses are not requested or desired.

1. TABLE OF CONTENTS

The Table of Contents should outline in sequential order the major areas of the proposal. Proposers should carefully follow the order and instructions outlined below. All pages of the proposal, including the enclosures, must be clearly and consecutively numbered and correspond to the Table of Contents.

2. FORM A-1, COVER PAGE OF PROPOSAL

Complete and sign (by Proposer or representative of the Proposer who is legally authorized to enter into a contractual relationship in the name of the Proposer) as required.

3. PROPOSER INFORMATION

Complete the Proposer Information Section (Section 7) following the requirements therein.

Note: The Proposer Information document is available in an electronic format (Word) by submitting a written request via e-mail to the County contact person for this Solicitation.

4. AFFIDAVITS/ACKNOWLEDGEMENTS

Complete and sign the following forms:

Form A-2, Lobbyist Registration for Oral Presentations

Form A-3, Acknowledgement of Addenda

Form A-4, Local Business Preference

Form A-5, Proposer's Disclosure of Sub-Licensees and Suppliers

Form A-6, Fair Subcontracting Policies

5. FORM B-1, REVENUE PROPOSAL SCHEDULE

Complete and sign (by Proposer or representative of the Proposer who is legally authorized to enter into a contractual relationship in the name of the Proposer) as required.

6. PROPOSAL SUBMISSION

Submit in hardcopy format an unbound original, complete Proposal Submission Package and ten (10) copies of the complete package (for a total of eleven (11) proposals) by the Proposal Due Date (see front cover of Solicitation) in a sealed envelope/container. Proposers are requested to submit three (3) electronic versions of the Proposal in PDF, Microsoft Word, or other format as necessary. The electronic versions shall also be submitted with the unbound originals as appropriate. Electronic media submitted may be either a Compact Disk (CD) or USB Flash Drive and shall bear a label on the outside containing the RFP number and name, and the name of the Proposer. Electronic media submitted to the County will not be returned to the Proposer.

Proposer's Name:

Proposer's Address:

Proposer's Telephone Number:

**Clerk of the Board
Stephen P. Clark Center
111 NW 1st Street, 17th Floor, Suite 202**

Name:

RFP Title: COMMUNICATIONS FACILITY TOWERS FOR COUNTY PROPERTIES

Proposal Due Date: _____ 2012

4.0 EVALUATION PROCESS

4.1 Review of Proposals for Responsiveness

Each proposal will be reviewed to determine if the proposal is responsive to the submission requirements outlined in this Solicitation. A responsive proposal is one which follows the requirements of this Solicitation, includes all documentation, is submitted in the format outlined in this Solicitation, is of timely submission, and has the appropriate signatures as required on each document. Failure to comply with these requirements may result in the proposal being deemed non-responsive.

4.2 Evaluation Criteria

Proposals will be evaluated by an Evaluation/Selection Committee which will evaluate and rank proposals on criteria listed below. The Evaluation/Selection Committee will be comprised of appropriate County personnel and members of the community, as deemed necessary, with the appropriate experience and/or knowledge, striving to ensure that the Evaluation/Selection Committee is balanced with regard to both ethnicity and gender. The criteria are itemized with their respective weights for a maximum total of one hundred (100) points per Evaluation/Selection Committee member.

<u>Technical Criteria</u>	<u>Points</u>
1. Proposer's total revenue (Monetary compensation annual base rental amount and related sub-license amounts proposed) to the County;	50
2. Proposer's qualifications, experience, past performance, and references of the Proposer in the installation and operation of telecommunications facilities;	20
3. Proposer's approach to providing the services requested in this solicitation, including relevant experience and qualifications of key personnel, including key personnel of subcontractors, that will be assigned to this project, and experience and qualifications of	25

subcontractors

4. Fiscal Responsibility/Financial Soundness of the Proposer.

05

4.3 Oral Presentations

Upon completion of the technical criteria evaluation indicated above, rating and ranking, the Evaluation/Selection Committee may choose to conduct an oral presentation with the Proposer(s) which the Evaluation/Selection Committee deems to warrant further consideration based on, among other considerations, scores in clusters and/or maintaining competition. (See **Form A-2** regarding registering speakers in the proposal for oral presentations.) Upon completion of the oral presentation(s), the Evaluation/Selection Committee will re-evaluate, re-rate and re-rank the proposals remaining in consideration based upon the written documents combined with the oral presentation.

4.4 Selection Factor (To be determined by Small Business Department)

This Solicitation includes a selection factor for Miami-Dade County Certified Small Business Enterprises (SBE's) as follows. A SBE/Micro Business Enterprise is entitled to receive an additional ten percent (10%) of the total technical evaluation points on the technical portion of such Proposer's proposal. An SBE/Micro Business Enterprise must be certified by Small Business Development for the type of goods and/or services the Proposer provides in accordance with the applicable Commodity Code(s) for this Solicitation. For certification information contact Small Business Development at (305) 375-2378 or access <http://new.miamidade.gov/business/business-development.asp>. The SBE/Micro Business Enterprise must be certified by proposal submission deadline, at contract award, and for the duration of the contract to remain eligible for the preference. Firms that graduate from the SBE program during the contract may remain on the contract.

OR

A Selection Factor is not applicable to this Solicitation.

OR

(If no points are assigned to evaluation criteria, include the following in addition to above paragraph):

Whenever there are two best ranked proposals that are substantially equal and only one of the two so ranked proposals is submitted by a Proposer entitled to a selection factor, the selection factor shall be the deciding factor for award.

4.5 Local Certified Service-Disabled Veteran's Business Enterprise Preference

This Solicitation includes a preference for Miami-Dade County Local Certified Service-Disabled Veteran Business Enterprises in accordance with Section 2-8.5.1 of the Code of Miami-Dade County. A VBE is entitled to receive an additional five percent (5%) of the total technical evaluation points on the technical portion of such Proposer's proposal. If a Miami-Dade County Certified Small Business Enterprise (SBE) measure is being applied to this Solicitation, a VBE which also qualifies for the SBE measure shall not receive the veteran's preference provided in this section and shall be limited to the applicable SBE preference.

4.6 Price Evaluation

After the evaluation of the technical proposal, in light of the oral presentation(s) if necessary, the County will evaluate the price proposals of those Proposers remaining in consideration.

The price proposal will be evaluated subjectively in combination with the technical proposal, including an evaluation of how well it matches Proposer's understanding of the County's needs described in this Solicitation, the Proposer's assumptions, and the value of the proposed services. The pricing evaluation is used as part of the evaluation process to determine the highest ranked Proposer. The County reserves the

right to negotiate the final terms, conditions and pricing of the contract as may be in the best interest of the County.

4.7 Local Preference

The evaluation of competitive solicitations is subject to Section 2-8.5 of the Miami-Dade County Code, which, except where contrary to federal or state law, or any other funding source requirements, provides that preference be given to local businesses (see **Form A-4**). If, following the completion of final rankings by the Evaluation/Selection Committee, a non-local Proposer is the highest ranked responsive and responsible Proposer, and the ranking of a responsive and responsible local Proposer is within 5% of the ranking obtained by said non-local Proposer, then the Evaluation/Selection Committee will recommend that a contract be negotiated with said local Proposer.

4.8 Negotiations

The County may award a contract on the basis of initial offers received, without discussions. Therefore, each initial offer should contain the Proposer's best terms from a monetary and technical standpoint.

The Evaluation/Selection Committee will evaluate, score and rank proposals, and submit the results of their evaluation to the County Mayor or designee with their recommendation. The County Mayor or designee will determine with which Proposer(s) the County shall negotiate, if any, taking into consideration the Local Preference Section above. In his sole discretion, the County Mayor or designee may direct negotiations with the highest ranked Proposer, negotiations with multiple Proposers, or may request best and final offers.

Notwithstanding the foregoing, if the County and said Proposer(s) cannot reach agreement on a contract, the County reserves the right to terminate negotiations and may, at the County Mayor's or designee's discretion, begin negotiations with the next highest ranked Proposer(s). This process may continue until a contract acceptable to the County has been executed or all proposals are rejected. No Proposer shall have any rights against the County arising from such negotiations or termination thereof.

Any Proposer recommended for negotiations shall:

- a) Complete a Collusion Affidavit, in accordance with Sections 2-8.1.1 of the Miami-Dade County Code. (If a Proposer fails to submit the required Collusion Affidavit, said Proposer shall be ineligible for award.)

Any Proposer recommended for negotiations may be required to provide to the County:

- a) Its most recent certified business financial statements as of a date not earlier than the end of the Proposer's preceding official tax accounting period, together with a statement in writing, signed by a duly authorized representative, stating that the present financial condition is materially the same as that shown on the balance sheet and income statement submitted, or with an explanation for a material change in the financial condition. A copy of the most recent business income tax return will be accepted if certified financial statements are unavailable.
- b) Information concerning any prior or pending litigation, either civil or criminal, involving a governmental agency or which may affect the performance of the services to be rendered herein, in which the Proposer, any of its employees or subcontractors is or has been involved within the last three years.

4.9 Contract Award

Any contract, resulting from this Solicitation, will be submitted to the County Mayor or designee for approval. All Proposers will be notified in writing when the County Mayor or designee makes an award recommendation. The Contract award, if any, shall be made to the Proposer whose proposal shall be deemed by the County to be in the best interest of the County. Notwithstanding the rights of protest listed below, the County's decision of whether to make the award and to which Proposer shall be final.

4.10 Rights of Protest

A recommendation for contract award or rejection of all proposals may be protested by a Proposer in accordance with the procedures contained in Sections 2-8.3 and 2-8.4 of the County Code, as amended, and as established in Implementing Order No. 3-21.

5.0 TERMS AND CONDITIONS

The anticipated form of agreement is attached. The terms and conditions summarized below are of special note and can be found in their entirety in the agreement:

A. Vendor Registration

Prior to being recommended for award, the Proposer shall complete a Miami-Dade County Vendor Registration Package. Effective June 1, 2008, the new Vendor Registration Package, including a Uniform Affidavit Packet (Affidavit form), must be completed. The Vendor Registration Package, including all affidavits can be obtained by downloading from the website at http://www.miamidade.gov/DPM/vendor_registration.asp or from the Vendor Assistance Unit at 111 N.W. 1st Street, 13th Floor, Miami, FL. The recommended Proposer shall affirm that all information submitted with its Vendor Registration Package is current, complete and accurate, at the time they submitted a response to the Solicitation, by completing an Affirmation of Vendor Affidavit form.

B. Insurance Requirements

The Contractor shall furnish to the County, Internal Services Department, Procurement Management Division, prior to the commencement of any work under any agreement, Certificates of Insurance which indicate insurance coverage has been obtained that meets the stated requirements.

C. Inspector General Reviews

According to Section 2-1076 of the Code of Miami-Dade County, as amended by Ordinance No. 99-63, Miami-Dade County has established the Office of the Inspector General which may, on a random basis, perform audits on all County contracts, throughout the duration of said contracts, except as otherwise indicated. The cost of the audit, if applicable, shall be one quarter (1/4) of one (1) percent of the total contract amount and the cost shall be included in any proposed price. The audit cost will be deducted by the County from progress payments to the Contractor, if applicable.

D. User Access Program

Pursuant to Miami-Dade County Ordinance No. 03-192, any agreement issued as a result of this Solicitation is subject to a user access fee under the County User Access Program (UAP) in the amount of two percent (2%). All sales resulting from this Solicitation and the utilization of the County contract price and the terms and conditions identified therein, are subject to the two percent (2%) UAP.

6.0 ATTACHMENTS

Form B-1: Revenue Schedule
Form of Agreement
Proposal Submission Package
License Agreement
License Option Agreement
Construction Rider

7.0 PROPOSER INFORMATION SECTION

7.1 PROPOSER'S BACKGROUND, EXPERIENCE AND PAST PERFORMANCE

1. Describe the Proposer's company business structure and background, past performance and experience and state the number of years that the Proposer has been in existence, the current number of employees, and the primary markets served. Describe the key value-added features (products or services) that differentiate you from your competitors.
2. Provide three years of any audited summary Financial Statements that demonstrates Proposer's financial stability and capacity.
3. Describe the type and number of employees being proposed to complete the Work required by this solicitation. Indicate the work of key personnel: Project and/or Site Manager(s), Sales/Marketing Manager or similar personnel, installation personnel, engineer(s), and construction personnel.
4. Provide a detailed description of comparable contracts (similar in scope of services to those requested herein) which the Proposer has either ongoing or completed within the past three years. The description should identify for each project: (i) client, (ii) description of work, (iii) complexity in terms of project scope and team size, (iv) length of the contract, (v) statement of whether Proposer was the prime Licensee or sub-Licensee, and (vi) the results of the project. Where possible, list and describe those projects performed for government clients or similar size private entities (excluding any work performed for the County). Client contact person, phone number, and e-mail should be provided upon request.
5. List all contracts in which the Proposer has performed for Miami-Dade County. The County will review all contracts the Proposer has performed for the County in accordance with Section 2-8.1(g) of the Miami-Dade County Code, which requires that "a Bidder's or Proposer's past performance on County Contracts be considered in the selection of Consultants and Licensees for future County Contracts." As such the Proposer must list and describe all work performed for Miami-Dade County and include for each project: (i) name of the County Department which administers or administered the contract, (ii) description of work, (iii) County contact person and phone number, (iv) statement of whether Proposer was the prime Licensee or sub-Licensee, and (v) the results of the project.

7.2 KEY PERSONNEL AND SUB-CONTRACTORS PERFORMING SERVICES

1. Provide an organization chart showing all key personnel, including their titles, to be assigned to this project. All key personnel include all Contractors, sub-Contractors and other professional staff that will perform work and/or services in this project. This chart must clearly identify the Proposer's employees and those of the sub-Contractor and shall include the functions to be performed by the key personnel.
2. Provide resumes or describe the experience, qualifications and other vital information, including relevant experience on previous similar projects, of all key personnel (not including sub-Contractors), who will be assigned to this project.
3. List the names and addresses of all first tier sub-Contractors, and describe the extent of work to be performed by each first tier sub-Contractor. Provide resumes or describe the experience, qualifications and other vital information, including relevant experience on previous similar projects, of the sub-Licensees who will be assigned to this project.

7.3 PROPOSED APPROACH TO PROVIDING THE SERVICES

Describe Proposer's specific project plan and procedures to be used for each site proposed in providing the services in the Scope of Services (**see Section 2.0**). The project plan should include 1) the installation of the tower, 2) wireless supported equipment, and 3) broad band equipment and/or WI-MAX communication equipment. This equipment shall be in place and operable within a period of six months after Notice To Proceed (NTP) for construction of the tower. Proposers are to briefly discuss and provide summary documentation depicting the various project stages for tower and equipment

installation. The Proposer must also submit an implementation timeline to include approximate timeframes accounting for all implementation key tasks (including, but not limited to zoning approvals, survey, easements, Agreements, County equipment purchase and installation, tower installation, , and testing.

7.4 OTHER

1. Detail the Proposer's plan to integrate its installation into location surroundings, and atmosphere for each site proposed. Describe and illustrate required plans for ensuring the installation site is aesthetically acceptable.

7.5 PROPOSED REVENUE TO THE COUNTY

1. The Proposer's payment(s) offer to the County should take into consideration all elements of the Work, including any design and installation costs, and all associated equipment. The Proposer's payment offer shall be submitted on Form B-1 "Payment Schedule".

Note: After proposal submission, the Proposer has a continuing obligation to advise the County of any changes, intended or otherwise, to the key personnel identified in its proposal.

EXCEPTIONS

Identify if Proposer has taken any exception to the requirements or terms and conditions of this Solicitation, including the License Option Agreement (Exhibit A), the License Agreement (Exhibit B, and the Development Rider (Exhibit C). If exceptions are taken, indicate what alternative is being offered and the cost implications of the exception(s) if applicable. Describe how the exception meets the requirements of the County. Proposer shall submit all exceptions in a separate Exceptions Booklet, included in the submission package.

A.